

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA  
WILLIAMSPORT DIVISION**

VIRGINIA BALOGH, GARY :	:	
DENHOFF, LOUISE DENHOFF, :	:	Case No. 22-cv-01055
WILLIAM DEVLIN, MARY :	:	
DEVLIN, BARBARA KIEL, AND :	:	Chief Judge Matthew W. Brann
BRIAN SHAFER :	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
DOMINION ENERGY, INC., :	:	
EASTERN GAS TRANSMISSION :	:	
AND STORAGE, INC. F/K/A :	:	
DOMINION ENERGY :	:	
TRANSMISSION, INC. AND BHE :	:	
GT&S, LLC, :	:	
	:	
Defendants.	:	

**ANSWER AND AFFIRMATIVE DEFENSES OF EASTERN GAS  
TRANSMISSION AND STORAGE, INC.**

Defendant Eastern Gas Transmission and Storage Inc. (“EGTS”) by and through its undersigned counsel, files the following Answer and Affirmative Defenses to Plaintiffs’ Complaint, and answers each paragraph of Plaintiffs’ Complaint as follows:

**Introduction – Nature of the Action**

1. Paragraph 1 states legal conclusions to which no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 1 are

denied. To the extent the allegations in Paragraph 1 are directed to a Defendant other than EGTS, no response from EGTS is required.

2. Paragraph 2 states legal conclusions to which no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 2 are denied. To the extent the allegations in Paragraph 2 are directed to a Defendant other than EGTS, no response from EGTS is required.

### **The Parties**

3. After reasonable investigation, EGTS is without sufficient knowledge or information to admit or deny the allegations in Paragraph 3 and, therefore, the allegations are denied.

4. After reasonable investigation, EGTS is without sufficient knowledge or information to admit or deny the allegations in Paragraph 4 and, therefore, the allegations are denied.

5. After reasonable investigation, EGTS is without sufficient knowledge or information to admit or deny the allegations in Paragraph 5 and, therefore, the allegations are denied.

6. After reasonable investigation, EGTS is without sufficient knowledge or information to admit or deny the allegations in Paragraph 6 and, therefore, the allegations are denied.

7. After reasonable investigation, EGTS is without sufficient knowledge or information to admit or deny the allegations in Paragraph 7 and, therefore, the allegations are denied.

8. The allegations in Paragraph 8 are directed to a Defendant other than EGTS and therefore no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 8 are denied.

9. The allegations in Paragraph 9 are directed to a Defendant other than EGTS and therefore no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 9 are denied.

10. The allegations in Paragraph 10 are directed to a Defendant other than EGTS and therefore no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 10 are denied.

11. The allegations in Paragraph 11 are directed to a Defendant other than EGTS and therefore no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 11 are denied.

12. Denied as stated.

13. Denied as stated.

#### **Allegations of Fact**

14. Denied as stated. To the extent the allegations in Paragraph 14 are directed to a Defendant other than EGTS, no response from EGTS is required.

15. Paragraph 15 states legal conclusions to which no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 15 are denied.

16. Denied as stated. To the extent the allegations in Paragraph 16 are directed to a Defendant other than EGTS, no response from EGTS is required.

17. Paragraph 17 states legal conclusions to which no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 17 are denied.

18. Denied. To the extent the allegations in Paragraph 18 are directed to a Defendant other than EGTS, no response from EGTS is required.

19. After reasonable investigation, EGTS is without sufficient knowledge or information to admit or deny the allegations in Paragraph 19 and, therefore, the allegations are denied.

20. After reasonable investigation, EGTS is without sufficient knowledge or information to admit or deny the allegations in Paragraph 20 and, therefore, the allegations are denied.

21. After reasonable investigation, EGTS is without sufficient knowledge or information to admit or deny the allegations in Paragraph 21 and, therefore, the allegations are denied.

22. Denied as stated.

23. After reasonable investigation, EGTS is without sufficient knowledge or information to admit or deny the allegations in Paragraph 23 and, therefore, the allegations are denied.

24. Paragraph 24 states legal conclusions to which no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 24 are denied. To the extent the allegations in Paragraph 24 are directed to a Defendant other than EGTS, no response from EGTS is required.

25. Paragraph 25 states legal conclusions to which no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 25 are denied.

26. Denied as stated. To the extent the allegations in Paragraph 26 are directed to a Defendant other than EGTS, no response from EGTS is required.

27. After reasonable investigation, EGTS is without sufficient knowledge or information to admit or deny the allegations in Paragraph 27 and, therefore, the allegations are denied.

28. After reasonable investigation, EGTS is without sufficient knowledge or information to admit or deny the allegations in Paragraph 28 and, therefore, the allegations are denied.

29. Denied. To the extent the allegations in Paragraph 29 are directed to a Defendant other than EGTS, no response from EGTS is required.

30. Denied as stated.

31. Denied. To the extent the allegations in Paragraph 31 are directed to a Defendant other than EGTS, no response from EGTS is required.

32. Denied. To the extent the allegations in Paragraph 32 are directed to a Defendant other than EGTS, no response from EGTS is required.

33. Denied. To the extent the allegations in Paragraph 33 are directed to a Defendant other than EGTS, no response from EGTS is required.

34. Denied. To the extent the allegations in Paragraph 34 are directed to a Defendant other than EGTS, no response from EGTS is required.

35. Denied. To the extent the allegations in Paragraph 35 are directed to a Defendant other than EGTS, no response from EGTS is required.

36. Paragraph 36 states legal conclusions to which no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 36 are denied. To the extent the allegations in Paragraph 36 are directed to a Defendant other than EGTS, no response from EGTS is required.

37. Paragraph 37 states legal conclusions to which no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 37 are denied.

38. Paragraph 38 states legal conclusions to which no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 38 are denied.

39. Paragraph 39 states legal conclusions to which no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 39 are denied.

### **Count I - Negligence**

40. The foregoing paragraphs are incorporated as if set forth fully herein.

41. Paragraph 41 states legal conclusions to which no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 41 are denied. To the extent the allegations in Paragraph 41 are directed to a Defendant other than EGTS, no response from EGTS is required.

42. Paragraph 42 and its subparts state legal conclusions to which no responses are required. To the extent a response is deemed necessary, the allegations in Paragraph 42 and its subparts are denied. To the extent the allegations in Paragraph 42 and its subparts are directed to a Defendant other than EGTS, no response from EGTS is required.

43. Paragraph 43 states legal conclusions to which no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 43 are denied.

44. Paragraph 44 states legal conclusions to which no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 44 are denied. To the extent the allegations in Paragraph 44 are directed to a Defendant other than EGTS, no response from EGTS is required.

### **Count II – Public Nuisance**

45. The foregoing paragraphs are incorporated as if set forth fully herein.

46. Paragraph 46 states legal conclusions to which no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 46 are denied. To the extent the allegations in Paragraph 46 are directed to a Defendant other than EGTS, no response from EGTS is required.

47. Paragraph 47 and its subparts state legal conclusions to which no responses are required. To the extent a response is deemed necessary, the allegations in Paragraph 47 and its subparts are denied.

48. Paragraph 48 and its subparts state legal conclusions to which no responses are required. To the extent a response is deemed necessary, the allegations in Paragraph 48 and its subparts are denied.

49. Paragraph 49 states legal conclusions to which no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 49 are denied. To the extent the allegations in Paragraph 49 are directed to a Defendant other than EGTS, no response from EGTS is required.



### **Count III – Private Nuisance**

50. The foregoing paragraphs are incorporated as if set forth fully herein.

51. Paragraph 51 states legal conclusions to which no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 51 are denied.

52. Paragraph 52 states legal conclusions to which no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 52 are denied. To the extent the allegations in Paragraph 52 are directed to a Defendant other than EGTS, no response from EGTS is required.

53. Paragraph 53 states legal conclusions to which no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 53 are denied.

54. Paragraph 54 states legal conclusions to which no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 54 are denied. To the extent the allegations in Paragraph 54 are directed to a Defendant other than EGTS, no response from EGTS is required.

### **Count IV – Trespass to Land**

55. The foregoing paragraphs are incorporated as if set forth fully herein.

56. Paragraph 56 states legal conclusions to which no response is required. To the extent a response is deemed necessary, the allegations in Paragraph 56 are

denied. To the extent the allegations in Paragraph 56 are directed to a Defendant other than EGTS, no response from EGTS is required.

WHEREFORE, Defendant Eastern Gas Transmission and Storage Inc. respectfully requests that this Honorable Court enter a judgment in its favor dismissing all claims with prejudice and award reasonable costs and expenses, including attorneys' fees, along with any other relief that this Honorable Court deems just and proper.

**FIRST AFFIRMATIVE DEFENSE**

Plaintiffs have not stated a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

EGTS did not cause Plaintiffs any harm or damages.

**THIRD AFFIRMATIVE DEFENSE**

Plaintiffs have not suffered or sustained any damages and/or their damages are not actionable and/or they did not mitigate their damages.

**FOURTH AFFIRMATIVE DEFENSE**

To the extent Plaintiffs suffered damages, which is expressly denied, Plaintiffs and/or third parties over whom EGTS has no control caused Plaintiffs' damages.

**FIFTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred by the applicable statutes of limitation.

**SIXTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred by the doctrine of laches.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred by payment and/or release.

**EIGHTH AFFIRMATIVE DEFENSE**

EGTS asserts all applicable defenses set forth in Fed. R. Civ. P. 8(c).

**NINTH AFFIRMATIVE DEFENSE**

EGTS reserves the right to plead any other affirmative defenses it discovers as the record is developed and more facts become known through discovery.

Respectfully submitted,

BABST, CALLAND, CLEMENTS  
& ZOMNIR, P.C.

Date: July 19, 2022

/s/ James V. Corbelli  
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Counsel for Defendant EGTS

**CERTIFICATE OF SERVICE**

I certify that a copy of Eastern Gas Transmission And Storage, Inc.'s Answer and Affirmative Defenses was served upon the following counsel of record via electronic mail this 19th day of July, 2022.

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/s/ James V. Corbelli